

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "SUTURE GRASPING DEVICE", specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby appoint Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Milton E. Gilbert, Registration No. 17119 and David A. Tucker, Registration No. 27840, or any of them, of 470 Totten Pond Road, Waltham, Massachusetts 02154, (Telephone No. 617-290-0060), my attorneys with full

power of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature

R D Hart

Inventor's full name Rickey D. Hart

Date 7/26/93

Residence 11 Hillside Road, Plainville, MA 02762

Post office address SAME AS ABOVE

Citizenship USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rickey D. Hart  
Serial No.: 09/742,023  
Filing Date: 12/20/2000  
Title: SUTURE GRASPING DEVICE  
Group Art Unit: 3731  
Examiner: M. Thaler  
Attorney's Docket No.: INNO-4 CON 7

**COPY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

ASSOCIATE POWER OF ATTORNEY

Please recognize as Associate Attorney in the above-identified application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith:

James A. Sheridan Registration No. 43,114

who may be contacted at:

Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
(781) 290-0060 (voice)  
(781) 290-4840 (facsimile)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER  
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

July 21, 2003

(DATE OF DEPOSIT)

James A. Sheridan

(NAME OF ATTORNEY)

*James A. Sheridan* 7/21/03  
(SIGNATURE)

July 21, 2003

(DATE OF SIGNATURE)

Respectfully submitted,

*Mark J. Pandiscio* 7/21/03

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Rickey D. Hart  
For: Suture Grasping Device  
Attorney's Docket No.: INNO-4

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

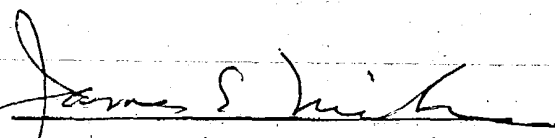
VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, James E. Nicholson, hereby declares that he is President of Innovative Devices Inc., a Massachusetts corporation having a principal place of business at Hopkinton, Massachusetts, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons; and that on information and belief, exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U.S. patent application.

For purposes of this statement, the number of employees of said corporation is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, and any patent issuing thereon or any patent to which this verified statement is directed.

INNOVASIVE DEVICES, INC.

By:   
Name: James E. Nicholson  
Title: President

Date: 7/26/93

## PATENTS ONLY

Tab settings ⇨ ⇨ ⇨ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(les):

Rickey D. Hart

Additional name(s) of conveying party(les) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Execution Date: July 26, 1993

## 2. Name and address of receiving party(les):

Name: Innovative Devices, Inc.

Internal Address: \_\_\_\_\_

Street Address: 100 B South Street

City: Hopkinton State: MA ZIP: 01748

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: July 26, 1993

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark J. Pandiscio

Pandiscio &amp; Pandiscio

Internal Address: \_\_\_\_\_

Street Address: 470 Totten Pond Road

City: Waltham State: MA ZIP: 02154

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

16-0221

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark J. Pandiscio

Name of Person Signing

Mark J. Pandiscio

Signature

7/26/93

7/26/93

Date

Total number of pages comprising cover sheet:

1

I, Rickey D. Hart, of 11 Hillside Road,  
Plainville, MA 02762, having invented improvements in Suture Grasping  
Device

and having this day executed an application for United States patent describing the same and based thereon (and I hereby authorize my attorney(s), authorized to prosecute said application, to here insert the filing date and serial number of said application, when known, Serial No. \_\_\_\_\_, Filed \_\_\_\_\_), for good and valuable consideration receipt of which is hereby acknowledged from Innovasive Devices, Inc., a Massachusetts corporation having its principal place of business in Hopkinton, MA (hereinafter called the Assignee), do hereby sell, assign and transfer unto the Assignee, its successors, and assigns my entire right, title, and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said application and the inventions and any of them therein set forth and described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said inventions or any of them or any part thereof or on said application or any divisional, continuing, reissue, or other patent application based thereon;

And for the same consideration I do also hereby sell, assign, and transfer unto the Assignee, its successors, and assigns all my rights under the International Convention for the Protection of Industrial Property and all other treaties of like purpose in respect of said inventions and any of them and all parts thereof and said application, and I do hereby authorize the Assignee, its successors, and assigns to apply in my name or its or their own name or names for patents and like rights of exclusion on or for said inventions or any of them or any part thereof in all countries claiming if it or they so desire the priority of the filing date of said application under the provisions of said Convention or any such other treaty;

And for the same consideration, I do hereby agree for myself and for my heirs, executors, and administrators, promptly upon request of the Assignee, its successors, or assigns, to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the Assignee, its successor or assigns fully to secure to it or them said right, title, and interest as aforesaid in and to said inventions and any of them and all parts thereof and in and to and under said several patents and like rights of exclusion (including extensions thereof) or any of them, all, however, at the expense of the Assignee, its successors, or assigns;

And I do hereby authorize and request the Commissioner of Patents of the United States of America and the corresponding Officer of each country foreign thereto to issue to the Assignee, its successors, or assigns, any and all patents and like rights of exclusion which may be granted in any country upon said United States application or other applications or any of them or on or for said inventions or any of them or any part thereof; and I do hereby covenant for myself and my legal representatives and agree with the Assignee, its successors, and assigns that I have granted no right or license to make, use, or sell said inventions or any of them or any part thereof to anyone except the Assignee, that prior to the execution of this deed my right, title, and interest in and to said inventions or any of them or any part thereof has not been otherwise encumbered by me, and that I have not executed and will not execute any instrument in conflict herewith.

DOCKET  
NO.  
INNO-4

IN WITNESS WHEREOF, I hereunto set my hand and seal this 26th day of  
July, 1993

State of Massachusetts )  
County of Middlesex ) ss.

R. D. Hart  
Rickey D. Hart

Before me this 26th day of July, 1993, personally appeared  
Rickey D. Hart, who is to me personally known, and  
acknowledged the foregoing instrument to be his free act and deed.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rickey D. Hart  
For: Suture Grasping Device  
Docket No.: INNO-4  
Date: 7/26/93

Box Patent Application  
The Commissioner of Patents  
and Trademarks  
Washington, DC 20231

COPY

Sir:

FILING OF APPLICATION UNDER 37 CFR 1.10

The attached application is being filed under the provisions of 37 CFR 1.10. Applicant's attorney is also submitting the requisite fee as calculated on the attached FORM PTO-1082.

Respectfully submitted,

Mark Pandiscio 7/26/93

PANDISCIO & PANDISCIO  
Attorneys For Applicant  
470 Totten Pond Road  
Waltham, MA 02154  
Tel. (617) 290-0060

"Express Mail" Mailing Label Number IB494927708 US

Date of Deposit July 26, 1993

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, The Commissioner of Patents and Trademarks, Washington, DC 20231.

Mark J. Pandiscio  
(Person mailing)

Mark Pandiscio 7/26/93  
(Signature)



Case Docket No. INNO-4THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor: Rickey D. Hart

For: Suture Grasping Device

Enclosed are:

- ☒ 5 sheets of drawing. (informal)  
☒ An assignment of the invention to Innovasive Devices, Inc.  
☐ A certified copy of a \_\_\_\_\_ application.  
☐ An associate power of attorney.  
☒ A verified statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.  
☐

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	4 -20=	0
INDEP CLAIMS	2 -3=	0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

\*If the difference in Col. 1 is less than zero, enter "0"  
in Col. 2

SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
RATE	FEE		RATE	FEE
	\$ 355.	OR		710.
x 11 =	\$ 0	OR	x 22 =	\$
x 37 =	\$ 0	OR	x 74 =	\$
+115 =	\$	OR	+230 =	\$
TOTAL	\$ 355	OR TOTAL		\$

☐ Please charge my Deposit Account No. \_\_\_\_\_ the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.☒ A check in the amount of \$ 395.00 to cover the filing fee is enclosed and the fee for recording the assignment☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.☒ Any additional filing fees required under 37 CFR 1.16.☒ Any patent application processing fees under 37 CFR 1.17.☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.☒ Any patent application processing fees under 37 CFR 1.17.☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311 (b).☒ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Mark J. Pandiscio 7/26/93

Mark J. Pandiscio, Reg. No. 30,883

Pandiscio & Pandiscio  
 470 Totten Pond Road  
 Waltham, Mass. 02154  
 (617) 290-0060  
 Fax (617) 290-4840

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Rickey D. Hart  
Serial No.: 09/742,023  
Filing Date: 12/20/2000  
Title: SUTURE GRASPING DEVICE  
Group Art Unit: 3731  
Examiner: M. Thaler  
Attorney's Docket No.: INNO-4 CON 7

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

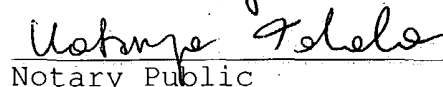
AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts)  
County of Middlesex)

I, James A. Sheridan, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 09/742,023 filed 12/20/2000, which is a continuation of application Serial No. 09/309,072 filed 05/10/99, which is in turn a continuation of application Serial No. 08/851,528 filed 8/21/98, which is in turn a continuation of application Serial No. 08/851,528 filed 1/21/98, which is in turn a continuation of application Serial No. 08/851,528 filed 5/5/97, which is in turn a continuation of application Serial No. 08/443,093 filed 5/17/95, which is in turn a continuation of application Serial No. 08/375,129 filed 1/19/95, which is in turn a continuation of application Serial No. 08/097,154 filed 7/26/93, and that the enclosed application is a true and complete copy of the above-identified prior application Serial No. 08/097,154 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 08/097,154 introduced new matter therein.

  
James A. Sheridan  
Registration No. 43,114

Sworn to before me this 21<sup>st</sup> day of July, 2003.

  
Notary Public

My commission expires: 4/17/09

# ASSIGNMENT

I, Rickey D. Hart, of 11 Hillside Road,  
Plainville, MA 02762, having invented improvements in Suture Grasping  
Device

and having this day executed an application for United States patent describ-  
ing the same and based thereon (and I hereby authorize my attorney(s), author-  
ized to prosecute said application, to here insert the filing date and serial  
number of said application, when known, Serial No. \_\_\_\_\_, Filed \_\_\_\_\_),  
for good and valuable consideration receipt of which is hereby acknowledged  
from Innovasive Devices, Inc., a Massachusetts  
corporation having its principal place of business in Hopkinton, MA  
(hereinafter called the Assignee), do hereby sell, assign and transfer unto the  
Assignee, its successors, and assigns my entire right, title, and interest, in  
and throughout the United States of America (including its territories and de-  
pendencies) and all countries foreign thereto, in and to and under said appli-  
cation and the inventions and any of them therein set forth and described, and  
any and all patents and like rights of exclusion (including extensions thereof)  
of any country which may be granted on or for said inventions or any of them or  
any part thereof or on said application or any divisional, continuing, reissue,  
or other patent application based thereon;

And for the same consideration I do also hereby sell, assign, and transfer  
unto the Assignee, its successors, and assigns all my rights under the Inter-  
national Convention for the Protection of Industrial Property and all other  
treaties of like purpose in respect of said inventions and any of them and all  
parts thereof and said application, and I do hereby authorize the Assignee, its  
successors, and assigns to apply in my name or its or their own name or names  
for patents and like rights of exclusion on or for said inventions or any of  
them or any part thereof in all countries claiming if it or they so desire the  
priority of the filing date of said application under the provisions of said  
Convention or any such other treaty;

And for the same consideration, I do hereby agree for myself and for my  
heirs, executors, and administrators, promptly upon request of the Assignee,  
its successors, or assigns, to execute and deliver without further compensa-  
tion any power of attorney, assignment, original, divisional, continuing, re-  
issue or other application or applications for patent or patents or like rights  
of exclusion of any country, or other lawful documents and any further assur-  
ances that may be deemed necessary or desirable by the Assignee, its successors,  
or assigns fully to secure to it or them said right, title, and interest as  
aforesaid in and to said inventions and any of them and all parts thereof and  
in and to and under said several patents and like rights of exclusion (includ-  
ing extensions thereof) or any of them, all, however, at the expense of the As-  
signee, its successors, or assigns;

And I do hereby authorize and request the Commissioner of Patents of the  
United States of America and the corresponding Officer of each country foreign  
thereto to issue to the Assignee, its successors, or assigns, any and all pat-  
ents and like rights of exclusion which may be granted in any country upon said  
United States application or other applications or any of them or on or for  
said inventions or any of them or any part thereof; and I do hereby covenant  
for myself and my legal representatives and agree with the Assignee, its suc-  
cessors, and assigns that I have granted no right or license to make, use, or  
sell said inventions or any of them or any part thereof to anyone except the  
Assignee, that prior to the execution of this deed my right, title, and inter-  
est in and to said inventions or any of them or any part thereof has not been  
otherwise encumbered by me, and that I have not executed and will not execute  
any instrument in conflict herewith.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 26th day of  
July, 19 93

State of Massachusetts )  
County of Middlesex ) ss. Rickey D. Hart

Before me this 26th day of July, 1993, personally appeared  
Rickey D. Hart, who is to me personally known, and  
acknowledged the foregoing instrument to be his free act and deed.

(S E A L)

Mary Pandiscio  
Notary Public

My commission expires March 1, 1996

DOCKET  
NO.  
INNO-4

PANDISCIO & PANDISCIO  
470 TOTTEN POWD ROAD  
WALTHAM, MA 02154  
TEL (617) 290-0060  
TELECOPIER (617) 290-4840